

# EXHIBIT E

# Legal Capabilities: Class Actions



**VORYS**

Higher standards make better lawyers.®

# ABOUT VORYS

Vorys was established in 1909 and has grown to nearly 375 attorneys with offices in Columbus, Cincinnati, Cleveland and Akron, Ohio; Pittsburgh, Pennsylvania; Houston, Texas and Washington, D.C. Vorys provides clients with the full spectrum of legal services and represents clients on a local, regional and national basis.

## By the Numbers



Select practice areas:

♦ Antitrust and Trade Regulation	♦ Financial Institutions	♦ International
♦ Bankruptcy and Creditors Rights	♦ Franchising and Distribution	♦ Labor and Employment
♦ Class Actions	♦ Government Relations	♦ Litigation
♦ Corporate and Business Organizations	♦ Health Care	♦ Privacy and Data Security
♦ Energy and Utilities	♦ Information Technology, Entertainment and Advertising	♦ Real Estate
♦ Environmental	♦ Insurance	♦ Taxation
♦ Finance	♦ Intellectual Property, Entertainment and Technology Protection	♦ Trusts, Estates and Wealth Transfer

## Honors & Awards



### Client Service A-Team

Vorys was recognized by clients for delivering the best levels of client service and named a "Client Service A-Team" firm. (2018 BTI Consulting Client Service survey).



### Best Place to Work for LGBTQ Equality

Since 2008, Vorys has been recognized as a top gay-friendly workplace and received a perfect score in the Human Rights Campaign's Corporate Equality Index for the last two years.



### WILEF Gold Standard Certification

In 2019, Vorys received the Gold Standard Certification by the Women in Law Empowerment Forum (WILEF) for achieving high levels of firm partnership and leadership roles held by women.

### Go-To Law Firm

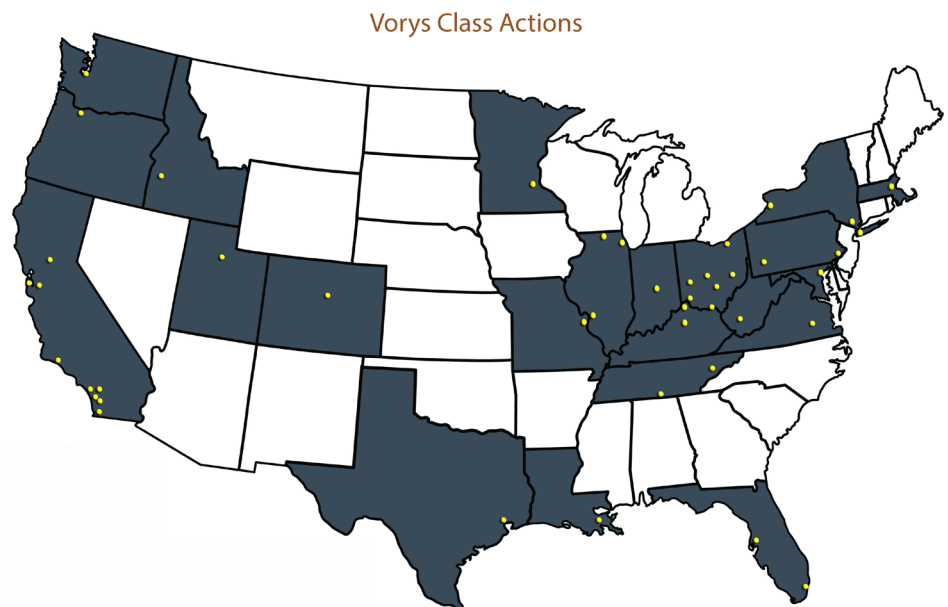
Vorys has been identified by 23 Fortune 500 companies as a Go-To Law Firm. The firm was recognized by these clients in six practice areas: contracts litigation, intellectual property litigation, labor and employment law, labor litigation, patent prosecution and torts litigation

## CLASS ACTIONS

Class actions are a substantial part of our practice and a particular strength of the firm. Our lawyers regularly defend clients in class actions in federal and state courts across the country and are recognized for their trial and class actions experience.

Our team defends class actions in a number of areas, including:

- Antitrust
- Consumer Finance
- Consumer Protection
- Employment
- ERISA
- Insurance
- Privacy and Data Security
- Product Liability
- Securities



### Our Nationally Recognized Class Actions Team

- Within the last five years, Vorys has represented clients in more than 50 class actions.
- More than 40 of our litigators have been named to the *Best Lawyers in America*® and *Super Lawyers* lists.
- Vorys was named by eight Fortune 500 clients as a Fortune Magazine/Corporate Counsel "Go To Law Firm" in litigation.

VORYS

- Vorys is one of 69 firms in the country recognized as an exclusive "Primary Firm for Litigation."
- Five Vorys attorneys are Fellows of the American College of Trial Lawyers.

## Experience

- Defending class actions involving collateral protection insurance programs
- Successfully defending large life insurers in putative class action alleging misrepresentations and breach of contract in connection with the sale of annuity products
- Defending a life insurance company in class action alleging that the company breached its insurance contracts and its duty of good faith and fair dealing to its policyholders
- Obtaining reversal of class certification on behalf of an insurance company who was alleged to have underpaid medical benefits claims
- Defending dozens of putative class actions, brought in courts throughout the nation, arising from separate data breach incidents
- Defeating class certification, prevailing on summary judgment and defending judgment through the United States Supreme Court on behalf of a large financial institution in a case asserting breach of contract and statutory claims related to the imposition of checking account fees
- Obtaining summary judgment for a retailer in a putative nationwide class action and collective action alleging multiple violations of federal and state wage and hour laws, and obtaining summary judgment on behalf of the same retailer in a putative class action alleging multiple violations of state wage and hour laws
- Defeating class certification, at the trial court level and on appeal, in an action against a funeral services provider alleging consumer fraud and financing violations
- Obtaining a dismissal of a putative class action brought by a commercial borrower against a bank challenging use of 365/360 method of interest computation
- Obtaining dismissal of a shareholder class action against a financial institution and its directors relating to a merger
- Defeating class certification and obtaining summary judgment on all claims asserted against a major manufacturer in a class action involving claims of race discrimination in promotion and other employment decisions
- Defending multiple retail and financial services clients in TCPA class actions

## Removal from State to Federal Court

Determining whether a case filed in state court can be removed to federal court may be an important consideration. Our class action litigators know how to use the Class Action Fairness Act of 2005 and other jurisdiction-conferring statutes to secure removal of appropriate cases from state to federal court.

## Discovery Management

Class actions pose discovery challenges rarely present in more traditional cases, due to the need to preserve, review and possibly produce documents and data connected to large numbers of individuals. Our class action litigators are skilled in identifying strategies that can permit early extraction from a case or lead to the defeat of a motion for class certification, and we believe in advocating for tiered discovery – so that the threshold issue of whether a class should be certified at all can be decided before defendants must endure expensive and intrusive merits discovery.

Our team works closely with our litigation technology and eDiscovery specialists to quickly and efficiently assess the need to secure and preserve potentially relevant documents and data. Because our team collaborates early with our clients' IT personnel to locate custodial systems, databases and personnel and to guard against the accidental destruction of potentially relevant data, we are able to develop strategies to protect against the evidence spoliation claims that plaintiffs' class counsel frequently employ. Once records are secured and collected, Vorys deploys personnel and technology to review and analyze those records in the most efficient manner possible. Our team is experienced with technology-assisted review ("TAR"), predictive coding, email threading, batch coding and redacting which helps our clients streamline discovery and reduce costs.

## Settlement Strategy

We help clients assess potential risk and exposure and then make informed decisions about whether to litigate or to settle. In each case we evaluate the potential for a cost-effective settlement early and often, always with an eye toward advancing our clients' goals in the litigation. When settlement is appropriate, we then navigate the array of notice and approval requirements applicable to class-wide settlements. Our experience enables us to develop and/or assess appropriate notice and distribution procedures, often with the assistance of a claims administrator.

## OFFICE LOCATIONS

### **Columbus**

52 East Gay Street  
Post Office Box 1008  
Columbus, Ohio 43216-1008  
tel 614.464.6400  
fax 614.464.6350

### **Washington**

1909 K Street NW  
Suite 900  
Washington, D.C. 20006-1152  
tel 202.467.8800  
fax 202.467.8900

### **Cleveland**

200 Public Square  
Suite 1400  
Cleveland, OH 44114-2327  
tel 216.479.6100  
fax 216.479.6060

### **Cincinnati**

301 East Fourth Street  
Suite 3500  
Great American Tower  
Cincinnati, Ohio 45202  
tel 513.723.4000  
fax 513.723.4056

### **Akron**

106 South Main Street  
Suite 1100  
Akron, Ohio 44308  
tel 330.208.1000  
fax 330.208.1001

### **Houston**

700 Louisiana Street  
Suite 4100  
Houston, Texas 77002  
tel 713.588.7000  
fax 713.588.7050

### **Pittsburgh**

500 Grant Street  
Suite 4900  
Pittsburgh, PA 15219-2502  
tel 412.904.7700  
fax 412.904.7800